IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2004

CORAM

THE HONOURABLE MR.JUSTICE A.K.RAJAN

W.P.NO.1232 OF 2000
AND
W.P.M.P.Nos. 1798 and 1799 OF 2000

G.Rathinakumar
Director of Physical Education
(Selection Grade)
T.U.Karanthai Arts College,
Thanjavur- 613 002. .. Petitioner

-Vs-

1. The Director of Collegiate
Education, College Road,
Chennai-6.
2. The Regional Joint Director of
Collegiate Education,
Trichy Region,
Trichy.2.
3. The Secretary,
Thamizhvel Umamaheswaranar
Karanthai Arts College,
Thanjavur-613 002. .. Respondents

Writ Petition filed under Article 226 of the Constitution of
India praying to issue a Writ of Certiorarified Mandamus as stated therein.

For petitioner : Mr.P.Jyothimani
For respondents 1&2 : Mr.V.Velumani, AGP
For 3rd respondent : Mr.V.K.Vijayaraghavan

:ORDER

This writ petition has been filed by the petitioner praying to issue a writ of Certiorarified Mandamus calling for the impugned order of the first respondent in Mu.Mu.No.59485/02/99, dated 7.12.1999 and the consequential communication of the 3rd respondent in G.Managing Committee of College/99/A1/Member, dated 18.12.1999 and to quash the same and direct the respondents to nominate the petitioner being the senior most selection grade lecturer in the 3rd respondent college as a member of the college committee as per the provisions of the Tamilnadu Private Colleges (Regulation) Act 1976 as

amended by Act 16 of 1998).

2. Heard the learned counsel for the petitioner as well as the respondents.

3. The brief facts of the case is that the petitioner has joined as a Director of Physical Education in the third respondent college on 5 .3.1983 and he is serving in the third respondent college continuously for the past 17 years without any blemish on record. The petitioner is a Selection Grade Teacher and he is the senior most person in the third respondent college. The third respondent college being a private college governed by the Act also has a college committee as per the requirement. Previously, Mr.A.Balan, Lecturer in Tamil(selection grade) was a member of the college committee. On his retirement there is a vacancy in the college committee and the petitioner being a senior most selection grade teacher, he is eligible and entitled to be nominated as a member of the third respondent college committee. The petitioner by a letter dated 24.8.1999 addressed to the third respondent requesting to nominate him as a member of the college committee. The third respondent referred the matter to the first respondent and the first respondent in turn by a communication dated 7.12.1999 has clarified that as per Section 11(b) and (c) of the Tamil Nadu Private Colleges (Regulation) Act 1976 as amended by Act 16 of 1998) Selection Grade Lecturers and Professors alone are eligible to nominate as Member of the college committee, the Physical Director and Librarian are not eligible to be nominated as member of the college committee even though they are senior most in that college. Based on the said communication, the third respondent by the impugned order dated 18.12.19 99 has rejected the claim of the petitioner. Hence this writ petition.

4. There is nothing wrong in the order of the third respondent in rejecting the claim of the petitioner in view of the position of law as laid down in Section 11(b) and (c) of the Tamil Nadu Private Colleges (Regulation) Act 1976 as amended by Act 16 of 1998). There is no merit in this writ petition and it becomes only liable to be dismissed and is dismissed accordingly. However, in the circumstances of the case, there shall be no order as to costs. Consequently, W.P.M.P.Nos.1798 and 1799 of 2000 are also dismissed.

gr.

To
1. The Director of Collegiate
Education, College Road,
Chennai-6.

2. The Regional Joint Director of
Collegiate Education,
Trichy Region,
Trichy.2.

3. The Secretary,

Thamizhvel Umamaheswaranar
Karanthai Arts College,
Thanjavur-613 002.